UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

CRAIG CUNNINGHAM,)
Plaintiff,)
v.) NO. 3:16-cv-00223) JUDGE CRENSHAW
THE VANDERBILT UNIVERSITY, et al.,	
Defendants.)

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge, to which no timely objections have been filed. (Doc. No. 14.) The Court has reviewed the Report and Recommendation and conducted a de novo review of the record. The Report and Recommendation is **ADOPTED**.

Accordingly, Defendants' Partial Motion to Dismiss the Amended Complaint (Doc. No. 38) is **GRANTED IN PART** with respect to the intentional infliction of emotional distress claim, and **DENIED IN PART** in all other respects. Plaintiff's intentional infliction of emotional distress claim is **DISMISSED WITH PREJUDICE**.

Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants shall serve a responsive pleading to the Amended Complaint within fourteen days of the date of this Order.

IT IS SO ORDERED.

WAVER(L) D. CRENSHAW, (R. UNITED STATES DISTRICT JUDGE